

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

7 TH & ALLEN EQUITIES,)	
)	Civil Action
Plaintiff)	No. 11-cv-01567
)	
vs.)	
)	
HARTFORD CASUALTY INSURANCE)	
COMPANY,)	
)	
Defendants)	

O R D E R

NOW, this 2nd day of November, 2012, upon consideration
of the following documents:

- (1) Defendant Hartford Casualty Insurance Company's Notice of Motion for Summary Judgment Pursuant to F.R.C.P. 56, which motion was filed July 24, 2012 (Document 38), together with
 - (A) Defendant Hartford Casualty Insurance Company's Brief in Support of Its Motion for Summary Judgment (Document 38);
 - (B) Statement of Undisputed Facts in Support of Defendant Hartford's Motion for Summary Judgment (Document 38-1); and
 - (C) Exhibits "A" through "S" in support of defendant's motion for summary judgment;
- (2) Plaintiff 7th & Allen Equities' Notice of Cross-Motion for Partial Summary Judgment as to Liability, which cross-motion was filed August 13, 2012 (Document 40)¹, together with

¹ By Order dated August 21, 2012 and filed August 22, 2012 (Document 55) I dismissed as untimely plaintiff's cross-motion for partial summary judgment. However, I have considered plaintiff's cross-motion and accompanying documents as documents in opposition to defendant's summary judgment motion.

- (A) Plaintiff's Response to the Statement of Alleged Uncontested Facts Proffered by the Defendant in Support of its Motion for Summary Judgment (Document 40-1);
 - (B) Plaintiff's Counter-Statement of Undisputed Material Facts (Document 40-2);
 - (C) Brief of Plaintiff in Opposition to the Motion of the Defendant for Summary Judgment and in Support of its Motion for Partial Summary Judgment (Document 40-3; and
 - (D) Plaintiff's Appendix of Exhibits to Response to Motion for Summary Judgment and Cross-Motion for Summary Judgment, Exhibit 1 through Exhibit 16 (Documents 41 through 54);
- (3) Reply Brief of Defendant Hartford Casualty Insurance Company filed September 18, 2012 (Document 60), together with
- (A) Exhibit A to defendant's reply brief; and
- (4) Plaintiff, 7th & Allen Equities', Sur Reply Brief to Reply Brief of Defendant, Hartford Casualty Insurance Company, to the Opposition to Defendant's Motion for Summary Judgment, which sur-reply was filed October 12, 2012 (Document 82), together with
- (A) Exhibit A to plaintiff's sur-reply brief;

after oral argument held October 31, 2012; and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that defendant's motion for summary judgment is denied in part and dismissed in part as moot.

IT IS FURTHER ORDERED that defendant's motion for summary judgment is dismissed as moot to the extent it contends that the loss resulting from the July 7, 2009 flooding is not covered by the insurance policy.

IT IS FURTHER ORDERED that defendant's motion for summary judgment is denied in all other respects.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge